



February 18, 2009

HOUSE BILL No. 1681

DIGEST OF HB 1681 (Updated February 11, 2009 5:13 pm - DI 107)

Citations Affected: IC 12-15; IC 21-11; IC 21-12; IC 31-9; IC 31-25; IC 31-28; noncode.

Synopsis: Foster care. Establishes: (1) eligibility requirements for the twenty-first century scholars program for foster care youth; and (2) the foster care educational assistance program. Provides that certain individuals previously receiving foster care are eligible to receive benefits under the Indiana check-up plan if the individual meets certain eligibility requirements. Requires the office of Medicaid policy and planning to apply to the United States Department of Health and Human Services for approval to amend the Indiana check-up plan to include services for certain individuals previously receiving foster care.

Effective: Upon passage; July 1, 2009.

Summers

January 16, 2009, read first time and referred to Committee on Family, Children and Human Affairs.
February 17, 2009, amended, reported — Do Pass.

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HB 1681—LS 7120/DI 110+



February 18, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1681

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-15-44.2-9, AS ADDED BY P.L.3-2008,
- 2 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2009]: Sec. 9. (a) An individual is eligible for participation in
- 4 the plan if the individual meets the following requirements:
- 5 (1) The individual is at least eighteen (18) years of age and less
- 6 than sixty-five (65) years of age.
- 7 (2) The individual is a United States citizen and has been a
- 8 resident of Indiana for at least twelve (12) months.
- 9 (3) The individual has an annual household income of not more
- 10 than two hundred percent (200%) of the federal income poverty
- 11 level.
- 12 (4) The individual is not eligible for health insurance coverage
- 13 through the individual's employer.
- 14 (5) The individual:
- 15 (A) has not had health insurance coverage for at least six (6)
- 16 months; **or**
- 17 (B) **meets the following requirements:**

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(i) The individual received foster care under a court order during the month before the individual became eighteen (18) years of age.

(ii) The individual is at least twenty-one (21) years of age and less than twenty-four (24) years of age.

(iii) The individual is enrolled in a postsecondary educational institution or technical education school or program.

(b) The following individuals are not eligible for the plan:

(1) An individual who participates in the federal Medicare program (42 U.S.C. 1395 et seq.).

(2) A pregnant woman for purposes of pregnancy related services.

(3) An individual who is eligible for the Medicaid program as a disabled person.

(c) The eligibility requirements specified in subsection (a) are subject to approval for federal financial participation by the United States Department of Health and Human Services.

SECTION 2. IC 21-11-3-2, AS ADDED BY P.L.2-2007, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The commission shall do the following:

(1) Prepare and supervise the issuance of public information concerning all of the commission's programs.

(2) Prescribe the form and regulate the submission of applications for all of the commission's programs.

(3) Determine the amounts of grants and scholarships.

(4) Determine eligibility for grants and scholarships.

(5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

(6) One (1) time every year, submit a report to the legislative council that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12-6 and IC 21-12-6.5. The report made to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 3. IC 21-12-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6.5. Eligibility for Twenty-First Century Scholars Program for Foster Care Youth

Sec. 1. This chapter applies to an individual who:

(1) is receiving foster care;

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(2) is in grades 9 through 12; and
 (3) is a resident of Indiana as determined under IC 21-11-7;
 at the time the individual applies for the twenty-first century
 scholars program under IC 21-12-6.

Sec. 2. An individual described in section 1 of this chapter may
 enroll in the twenty-first century scholars program under
 IC 21-12-6 and is eligible for higher education benefits under
 IC 21-12-6.

Sec. 3. Determination of initial eligibility for higher education
 benefits authorized under this chapter is vested exclusively in the
 commission. Any individual described in section 1 of this chapter
 may make a written request for a determination by the commission
 of eligibility for benefits under this chapter. The commission shall
 make a written determination of eligibility in response to each
 request. In determining the amount of an eligible individual's
 benefit, the commission shall consider other higher education
 financial assistance in conformity with this chapter.

Sec. 4. An appeal from an adverse determination under section
 3 of this chapter must be made in writing to the commission not
 more than fifteen (15) working days after the applicant's receipt of
 the determination. A final order must be made not more than
 fifteen (15) days after receipt of the written appeal.

Sec. 5. A person who knowingly or intentionally submits a false
 or misleading application or other document under this chapter
 commits a Class A misdemeanor.

SECTION 4. IC 31-9-2-43.1 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2009]: **Sec. 43.1. "Educational assistance program"**, for purposes
 of IC 31-28-7, means the foster care educational assistance
 program established under IC 31-28-7-2.

SECTION 5. IC 31-9-2-43.2 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2009]: **Sec. 43.2. "Educational program"**, for purposes of
 IC 31-28-7, means a program that:

- (1) is offered or maintained by a state educational institution
 (as defined in IC 21-7-13-32); and
- (2) leads to the award of a certificate, diploma, or degree upon
 satisfactory completion of course work requirements.

SECTION 6. IC 31-9-2-120.5 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: **Sec. 120.5. "State educational
 institution"**, for purposes of IC 31-28-7, has the meaning set forth

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1 in IC 21-7-13-32.

2 SECTION 7. IC 31-25-2-4.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2009]: **Sec. 4.5. One (1) time every year, the department shall**
5 **submit a report to the legislative council that provides:**

6 (1) data and statistical information regarding the number of
7 individuals receiving foster care who are notified of the
8 twenty-first century scholars program under IC 21-12-6 and
9 IC 21-12-6.5, including the percentage of individuals receiving
10 foster care who are notified; and

11 (2) information regarding how the department notifies
12 individuals in foster care of the twenty-first century scholars
13 program under IC 21-12-6 and IC 21-12-6.5.

14 The report made to the legislative council must be in an electronic
15 format under IC 5-14-6.

16 SECTION 8. IC 31-28-7 IS ADDED TO THE INDIANA CODE AS
17 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2009]:

19 **Chapter 7. Foster Care Educational Assistance Program**

20 **Sec. 1. This chapter applies to an individual who:**

- 21 (1) received foster care under a court order during the month
22 before the individual became eighteen (18) years of age;
23 (2) is less than twenty-four (24) years of age; and
24 (3) enrolls in a state educational institution after June 30,
25 2009.

26 **Sec. 2. (a) A foster care educational assistance program is**
27 **established.**

28 **(b) The department shall administer the program.**

29 **Sec. 3. The department may reimburse an individual who is:**

- 30 (1) enrolled in a state educational institution; and
31 (2) participating in the educational assistance program;
32 for room and board (including a food plan), technical equipment,
33 fees, and course required books.

34 **Sec. 4. Each individual:**

- 35 (1) enrolled in a state educational institution; and
36 (2) participating in the educational assistance program;
37 shall be responsible for all fees charged by the state educational
38 institution that are not directly related to and required for the
39 courses in the educational program in which the individual is
40 enrolled.

41 **Sec. 5. To remain eligible for the educational assistance**
42 **program, an individual must:**

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(1) remain in good standing with the state educational institution in which the individual is enrolled; and

(2) make satisfactory progress toward completion of the requirement of the educational program in which the individual is enrolled.

Sec. 6. The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, necessary for the administration of the educational assistance program.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) Before July 1, 2009, the office shall apply to the United States Department of Health and Human Services for approval to amend the Indiana check-up plan to include services for an individual who:

(1) meets the requirements in IC 12-15-44.2-9(1) through IC 12-15-44.2-9(4);

(2) received foster care under a court order during the month before the individual became eighteen (18) years of age; and

(3) is at least twenty-one (21) and less than twenty-four (24) years of age.

(c) The office may not implement the amendment to the Indiana check-up plan until the office files an affidavit with the governor attesting that the amendment applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the amendment is approved.

(d) If the office receives approval to amend the Indiana check-up plan under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the amendment not later than five (5) days after the governor receives the affidavit.

(e) This SECTION expires December 31, 2013.

SECTION 10. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1681, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17

Delete pages 2 through 5.

Page 6, delete lines 1 through 26.

Page 7, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 4. IC 21-11-3-2, AS ADDED BY P.L.2-2007, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The commission shall do the following:

- (1) Prepare and supervise the issuance of public information concerning all of the commission's programs.
- (2) Prescribe the form and regulate the submission of applications for all of the commission's programs.
- (3) Determine the amounts of grants and scholarships.
- (4) Determine eligibility for grants and scholarships.
- (5) Receive federal funds made available to the commission for awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.
- (6) One (1) time every year, submit a report to the legislative council that provides data and statistical information regarding the number of individuals who received assistance under IC 21-12-6 and IC 21-12-6.5. The report made to the legislative council must be in an electronic format under IC 5-14-6.**

SECTION 5. IC 21-12-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 6.5. Eligibility for Twenty-First Century Scholars Program for Foster Care Youth

Sec. 1. This chapter applies to an individual who:

- (1) is receiving foster care;**
 - (2) is in grades 9 through 12; and**
 - (3) is a resident of Indiana as determined under IC 21-11-7;**
- at the time the individual applies for the twenty-first century scholars program under IC 21-12-6.**

Sec. 2. An individual described in section 1 of this chapter may enroll in the twenty-first century scholars program under IC 21-12-6 and is eligible for higher education benefits under

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IC 21-12-6.

Sec. 3. Determination of initial eligibility for higher education benefits authorized under this chapter is vested exclusively in the commission. Any individual described in section 1 of this chapter may make a written request for a determination by the commission of eligibility for benefits under this chapter. The commission shall make a written determination of eligibility in response to each request. In determining the amount of an eligible individual's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.

Sec. 4. An appeal from an adverse determination under section 3 of this chapter must be made in writing to the commission not more than fifteen (15) working days after the applicant's receipt of the determination. A final order must be made not more than fifteen (15) days after receipt of the written appeal.

Sec. 5. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor."

Delete page 8.

Page 9, delete lines 1 through 7.

Page 9, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 9. IC 31-25-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. One (1) time every year, the department shall submit a report to the legislative council that provides:**

(1) data and statistical information regarding the number of individuals receiving foster care who are notified of the twenty-first century scholars program under IC 21-12-6 and IC 21-12-6.5, including the percentage of individuals receiving foster care who are notified; and

(2) information regarding how the department notifies individuals in foster care of the twenty-first century scholars program under IC 21-12-6 and IC 21-12-6.5.

The report made to the legislative council must be in an electronic format under IC 5-14-6."

Page 10, delete lines 19 through 24.

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Page 10, line 36, delete "eighteen (18)" and insert "**twenty-one (21)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1681 as introduced.)

VANDENBURGH, Chair

Committee Vote: yeas 11, nays 0.

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